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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80528-9599

EXAMINER

CHOWDHURY, AZIZUL Q

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/836,924	PRADHAN ET AL.
Examiner	Art Unit	
Azizul Choudhury	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 April 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/2/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

***Detailed Action***

***Claim Rejections - 35 USC § 112***

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- The phrase "server system" in the 3<sup>rd</sup> line of claim 4 is indefinite. It is uncertain whether "server system" is meant to be "remote server system." Appropriate corrections are required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Spitzer (US Pat No: US20010054066A1).

1. With regards to claim 1, Spitzer teaches a system for creating a link between a physical location and its web page, comprising: a user interface that receives user input of positional data of the physical location and a web address of the web page; an association module coupled to the user interface to create the link by creating an electronic file containing the positional data and the web address such that a receiver system near the physical location can receive the electronic file to access the web page without browsing, wherein the link a virtual link and is not physically located at the physical location  
  
(Spitzer discloses a design that allows a mobile device (such as a PDA) to make it's existence known to a transceiver (virtual beacon) so that the transceiver may receive data (such as a webpage) from a local server, which received the data from a central server (paragraphs 48-58, Spitzer). The communication occurring between the mobile device and the transceiver is wireless (paragraph 48, Spitzer). The mobile device in the design is equivalent to the claimed receiver system. In addition, the data received by the mobile device is retrieved from a network (such as the Internet) by the central server and transferred to the local server (local to the mobile device) and is transmitted wirelessly to the mobile device through a transceiver (paragraphs 57-58, Spitzer). Hence the claimed step of accessing a webpage without browsing and the virtual link are also present within Spitzer's design. Furthermore, the data transferred to the mobile device may be a webpage and hence, the mobile device in the design does not browse for a webpage, yet is able to view the data. Thus, it is inherent that the

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claimed association module and the claimed positional data and web address features must be present within Spitzer's design. Positional data and web address features must inherently be present since; the mobile device is able to wirelessly receive (to wirelessly receive, some location data must be known) web content. And for web content to be readable on a mobile device, the claimed association module must inherently be present on Spitzer's design). Finally, Spitzer's design must inherently allow for user interface since the design must allow for settings to be controlled and monitored).

2. With regards to claim 2, Spitzer teaches the system wherein the positional data received is in the form of address of the physical location and the user interface converts that into the positional data (In Spitzer's design, the data transferred to the mobile device may be a webpage and hence, the mobile device in the design does not browse for a webpage, yet is able to view the data (paragraphs 57-58, Spitzer). Thus, it is inherent that the claimed association module and the claimed positional data and web address features must be present within Spitzer's design. Positional data and web address features must inherently be present since; the mobile device is able to wirelessly receive (to wirelessly receive, some location data must be known) web content. In addition, Spitzer discloses that URL's are used (equivalent to addresses) and means for IDs are present as well (paragraph 84, Spitzer)).

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3. With regards to claim 3, Spitzer teaches the system wherein the user interface also receives a range data that specifies access range from the physical location within which the receiver system can receive the electronic file (Paragraph 48 of Spitzer's disclosure states that the user holds a hand-held computing device (mobile device) within range of the transmitter (the transceiver attached to the local server). When a device is held in such a manner and it has wireless communications means, such as this device, it is initializing a wireless communication and the claimed data is transferred as claimed).
  
4. With regards to claim 4, Spitzer teaches the system that further comprises a wireless transceiver that sends the electronic file wirelessly to a remote server system, wherein the server system stores the electronic file and sends the electronic file to the receiver system, wherein the system further comprises a web gateway that sends the electronic file to a remote server system via an external internet (Spitzer discloses a design with a local server (local to the mobile device) that communicates wirelessly with a central server (paragraphs 49-53, Spitzer). In addition, the central server accesses the Internet and sends the data wirelessly to the local server (paragraphs 57-58, Spitzer). Hence, the claimed remote server system is equivalent to Spitzer's central server. Finally, since the design allows for Internet access, the claimed web gateway must inherently be present).

5. With regards to claim 5, Spitzer teaches the system wherein the user interface also receives a time data that indicates a range of times when the electronic file can be sent, and a tag data that indicates the name or label of the web address (Spitzer discloses a design with timestamp means (paragraph 21, Spitzer)).
6. With regards to claim 6, Spitzer teaches the system that is further comprising a positioning module that provides the positional data of the current position of the system (Spitzer's design allows for location information means. Paragraph 22 discloses how the mobile device's location may be used. In addition, in paragraphs 77-78, Spitzer discloses how the local server's location is usable in the design).
7. With regards to claim 7, Spitzer teaches a system for posting a web address of a web page associated with a physical location, comprising: a virtual link creator that creates an electronic file that contains positional data of the physical location and the web address; a virtual link server system that receives the electronic file and transmits the electronic file to any receiver system at or near the physical location via a communication network such that the web address of the web page is virtually posted at the physical location without employing a physical object to host the web address at the physical location (Spitzer discloses a design that allows a mobile device (such as a PDA) to make it's existence known to a transceiver (virtual beacon) so that the transceiver may receive data (such as a

webpage) from a local server, which received the data from a central server (paragraphs 48-58, Spitzer)).

8. With regards to claim 8, Spitzer teaches a system wherein the virtual link creator further comprises a user interface that receives user input of the positional data of the physical location, the web address of the web page, and other property data, wherein the electronic file also includes the other property data; an association module that creates the electronic file that includes the positional data and the web address (In Spitzer's design, the data transferred to the mobile device may be a webpage and hence, the mobile device in the design does not browse for a webpage, yet is able to view the data. Thus, it is inherent that the claimed association module and the claimed positional data and web address features must be present within Spitzer's design. Positional data and web address features must inherently be present since; the mobile device is able to wirelessly receive (to wirelessly receive, some location data must be known) web content. And for web content to be readable on a mobile device, the claimed association module must inherently be present on Spitzer's design). In addition, in paragraphs 77-78, Spitzer discloses how the local server's location is usable in the design. Finally, Spitzer's design must inherently allow for user interface since the design must allow for settings to be controlled and monitored).

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9. With regards to claim 9, Spitzer teaches a system wherein the virtual link creator further comprises a wireless transceiver that sends the electronic file to the virtual link server system; a web gateway that sends the electronic file to the virtual link server system via an external Internet when the virtual link server system is also coupled to the external internet; a positioning module that provides the positional data of the current position of the virtual link creator (Spitzer discloses a design with a local server (local to the mobile device) that communicates wirelessly with a central server (paragraphs 49-53, Spitzer). In addition, the central server accesses the Internet and sends the data wirelessly to the local server (paragraphs 57-58, Spitzer). Hence, the claimed remote server system is equivalent to Spitzer's central server. Finally, since the design allows for Internet access, the claimed web gateway must inherently be present).

10. With regards to claim 10, Spitzer teaches a system wherein the property data include a range data that specifies access range within which the receiver system can receive the electronic file when near the physical location, a time data that indicates a range of times when the electronic file can be sent, and a tag data that indicates the name or label of the web address (Spitzer's design allows for location information means. Paragraph 22 discloses how the mobile device's location may be used. In addition, in paragraphs 77-78, Spitzer discloses how the local server's location is usable in the design. In addition, positional data and web address features must inherently be present since; the

mobile device is able to wirelessly receive (to wirelessly receive, some location data must be known) web content. Finally, timestamp means are present within Spitzer's design (paragraph 21, Spitzer)).

11. With regards to claim 11, Spitzer teaches a system wherein the virtual link server system only sends the electronic file to remote receiver systems that are at or near the physical location although the electronic file is not located adjacent to the physical location (Spitzer's design transfers the data to the mobile devices wirelessly (paragraph 48, Spitzer). In wireless communication, data is only transferable within certain proximity; hence the mobile device must be at or near the physical location as claimed. In addition, the data is sent in from the central server; hence the electronic file is not located adjacent to the physical location as claimed).

12. With regards to claim 12, Spitzer teaches a system wherein the virtual link server system further comprises a store that stores the electronic file; an email server that sends the electronic file in email form; a web server that sends the electronic file in web page form; a gateway that interfaces with the external communication network to receive the electronic file, and interfaces with other communication networks to send the electronic file in the email or web page form (Spitzer's design uses servers that are able to access the Internet (paragraph 57, Spitzer). Being servers, they are inherently able to store data as claimed. In addition, the

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servers of Spitzer's design are able to access the Internet; hence they are gateways and web servers as claimed. Furthermore, since the servers are able to access the Internet, it is inherent that means are present by which to serve as email servers).

13. With regards to claim 13, Spitzer teaches the system wherein the virtual link server system further comprises a filtering module that receives, from the requesting receiver system, the positional data of the current position of the receiver system and a request for any electronic file with a positional data indicating a position at or near the current position of the receiver system, wherein the filtering module then causes all electronic files stored in the store with the positional data indicating a position at or near the current position of the receiver system to be sent via one of the email server and the web server to the requesting receiver system based on the range data of the respective electronic files (Spitzer's design allows the mobile device to send requests to the servers which are then processed (paragraphs 77-84, Spitzer). Location is used in this request and service fulfillment process. Finally, the claimed filtering module must be present in any design with data transferring networks since data in all networks must be filtered so that it is usable by each system).

14. With regards to claim 14, Spitzer teaches the system wherein the filtering module does not cause any electronic file stored in the store with the positional data

indicating a position not at or near the current position of the receiver system to be sent to the receiver system (Spitzer's design has data sent to the mobile devices with information related to physical locations within the vicinity of the local server (kiosk) and the mobile devices (paragraph 70, Spitzer)).

15. With regards to claim 15, Spitzer teaches a web navigation system, comprising: a virtual link creator that creates an electronic file that contains positional data of a physical location and a web address of a web page associated with the physical location; a virtual link server system that receives the electronic file, wherein the server system can transmit the electronic file via a communication network; a receiver system capable of communicating with the server system and external internet to receive the electronic file from the server system, and to display web address the when the receiver system is near the physical location such that the web address of the web page is virtually posted at the physical location without employing a physical object to host the web address at the physical location (Spitzer discloses a design that allows a mobile device (such as a PDA) to make it's existence known to a transceiver (virtual beacon) so that the transceiver may receive data (such as a webpage) from a local server, which received the data from a central server (paragraphs 48-58, Spitzer)).

16. With regards to claim 16, Spitzer teaches the system wherein the virtual link server system sends the electronic file to the receiver system when the receiver

system informs the virtual link server system of its current position and when the virtual link server system determines that the receiver system is at or near the physical location by comparing the positional data of the current position of the receiver system with the positional data in the electronic file (Paragraph 48 of Spitzer's disclosure states that the user holds a hand-held computing device (mobile device) within range of the transmitter (the transceiver attached to the local server). When a device is held in such a manner and it has wireless communications means, such as this device, it is initializing a wireless communication and location information must be transferred. In addition, data such as games are accessible from the mobile device in the design (paragraph 78, Spitzer). For such services to be available the mobile device is part of the network and is an endpoint, hence its location must be known by the system).

17. With regards to claim 17, Spitzer teaches the system wherein the virtual link creator further comprises a user interface that receives user input of the positional data of the physical location, the web address of the web page, and other property data, wherein the electronic file also includes the other property data; an association module that creates the electronic file that includes the positional data and the web address; a wireless transceiver that sends the electronic file to the virtual link server system; a web gateway that sends the electronic file to the virtual link server system via an external internet when the virtual link server system is also coupled to the external internet; a positioning

module that provides the positional data of the current position of the virtual link creator (In Spitzer's design, the data transferred to the mobile device may be a webpage and hence, the mobile device in the design does not browse for a webpage, yet is able to view the data. Thus, it is inherent that the claimed association module and the claimed positional data and web address features must be present within Spitzer's design. Positional data and web address features must inherently be present since; the mobile device is able to wirelessly receive (to wirelessly receive, some location data must be known) web content. And for web content to be readable on a mobile device, the claimed association module must inherently be present on Spitzer's design). In addition, in paragraphs 77-78, Spitzer discloses how the local server's location is usable in the design. And Spitzer's design must inherently allow for user interface since the design must allow for settings to be controlled and monitored. Also, Spitzer discloses a design with a local server (local to the mobile device) that communicates wirelessly with a central server (paragraphs 49-53, Spitzer). In addition, the central server accesses the Internet and sends the data wirelessly to the local server (paragraphs 57-58, Spitzer). Hence, the claimed remote server system is equivalent to Spitzer's central server. Finally, since the design allows for Internet access, the claimed web gateway must inherently be present).

18. With regards to claim 18, Spitzer teaches the system wherein the property data include a range data that specifies access range within which the receiver

system can receive the electronic file when near the physical location, a time data that indicates a range of times when the electronic file can be sent, and a tag data that indicates the name or label of the web address (Spitzer's design allows for location information means. Paragraph 22 discloses how the mobile device's location may be used. In addition, in paragraphs 77-78, Spitzer discloses how the local server's location is usable in the design. In addition, positional data and web address features must inherently be present since; the mobile device is able to wirelessly receive (to wirelessly receive, some location data must be known) web content. Finally, timestamp means are present within Spitzer's design (paragraph 21, Spitzer)).

19. With regards to claim 19, Spitzer teaches the system wherein the virtual link server system further comprises a store that stores the electronic file; an email server that sends the electronic file in email form; a web server that sends the electronic file in web page form; a gateway that interfaces with the external communication network to receive the electronic file from the virtual link creator, and interfaces with other communication networks to send the electronic file in the email or web page form to the receiver system; a filtering module that receives, from the requesting receiver system, the positional data of the current position of the receiver system and a request for any electronic file with a positional data indicating a position at or near the current position of the receiver system, wherein the filtering module then causes all electronic files stored in the

store with the positional data indicating a position at or near the current position of the receiver system to be sent via one of the email server and the web server to the requesting receiver system based on the range data of the respective electronic files (Spitzer's design uses servers that are able to access the Internet (paragraph 57, Spitzer). Being servers, they are inherently able to store data as claimed. In addition, the servers of Spitzer's design are able to access the Internet; hence they are gateways and web servers as claimed. Furthermore, since the servers are able to access the Internet, it is inherent that means are present by which to serve as email servers. Spitzer's design also allows the mobile device to send requests to the servers that are then processed (paragraphs 77-84, Spitzer). Location is used in this request and service fulfillment process. Finally, the claimed filtering module must be present in any design with data transferring networks since data in all networks must be filtered so that it is usable by each system).

20. With regards to claim 20, Spitzer teaches the system wherein the filtering module does not cause any electronic file stored in the store with the positional data indicating a position not at or near the current position of the receiver system to be sent to the receiver system (Spitzer's design has data sent to the mobile devices with information related to physical locations within the vicinity of the local server (kiosk) and the mobile devices (paragraph 70, Spitzer)).

21. With regards to claim 21, Spitzer teaches the system wherein the receiver system further comprises a positioning module that determines the current position of the receiver system; a wireless transceiver that sends a request for the electronic file to the virtual link server system, wherein the request includes the positional data of the current position of the receiver system, wherein the transceiver also receives the electronic file from the virtual link server system; a virtual link projector that displays the names of the web addresses contained in all electronic files received from the virtual link server system; a web access module that uses a selected web address to access the corresponding web page via the external internet (Spitzer's design uses a mobile device (PDA) that is able to communicate wirelessly (paragraphs 57-58, Spitzer). This mobile device is equivalent to the claimed receiver system. For wireless communication to operate successfully, positioning modules must exist as claimed. In addition, it must also inherently possess a wireless transceiver as claimed. Plus, the mobile device is able to receive online content (paragraphs 59-60, Spitzer). Hence, it is inherent that the claimed virtual link projector and the web access module are present within mobile device of Spitzer's design).

22. With regards to claim 22, Spitzer teaches the system wherein the receiver system further comprises an orientation module that determines the orientation of the receiver system, wherein the positional data of the current position of the receiver system includes the orientation of the receiver system; a user interface

that allows the receiver system to receive user input of (1) the positional data of the receiver system and (2) an access range data that specifies an access range of the receiver system in receiving electronic files (Spitzer's design allows for a wide range of wireless protocols to be used (paragraphs 79-84, Spitzer). In wireless protocols though, location data such as orientation and position are required since such data is used to establish the best possible communication between the wireless device (mobile device) and its base (server)).

23. With regards to claim 23, Spitzer teaches the system wherein the virtual link projector further comprises a display that displays the names of the web addresses in all electronic files received by the receiver system; a digital horizon module that specifies the access range of the receiver system in receiving the electronic files; a vectoring filter that uses the orientation from the orientation module to filter out electronic files within the access range but not in the direction pointed by the receiver system (In Spitzer's design, the mobile device is able to receive online content (paragraphs 59-60, Spitzer). Hence, it is inherent that the claimed virtual link projector is present within mobile device of Spitzer's design since data is viewable. In addition, Spitzer's design allows for a wide range of wireless protocols to be used (paragraphs 79-84, Spitzer). In wireless protocols though, location data such as orientation and position are required since such data is used to establish the best possible communication between the wireless device (mobile device) and its base (server). Finally, the claimed vectoring

filtering is also inherent because in wireless data transfer, it is crucial for the data to be transferred in a known direction).

### ***Remarks***

After careful review of the application, the examiner failed to note any truly unique traits within the design claimed. The claims provided are seen as being general and would benefit from the inclusion of more detailed specifications. As they stand, the current claims are defeated not only by the current prior art teaching wireless networks used for advertising but, are also defeated by other available prior arts such as van Allen's design for hotspots (US Pat No: US006411994B2).

Should the applicants have any further details regarding their design that would present their design as being truly unique over the prior art provided by the examiner, they are strongly encouraged to amend the specifications and claims to reflect such changes.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is 703-305-7209. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100